THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:2-3-2006

WRIT PETITION No. 4047 OF 2006

BETWEEN:

Smt.Sucheeta Bai

…Petitioner

And

The Municipal Corporation of Hyderabad, Tank Bund, Hyderabad, Rep.by its Commissioner.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondents in insisting for No Objection Certificate from Collector, Hyderabad and not receiving the building application of the petitioner in respect of premises bearing No.8-3-168. Erragadda, Opp: ESI. Hospital, Hyderabad and not granting building permission as illegal, arbitrary and contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and Building Bye-Laws 1981.

It is the case of the petitioner that he is the absolute owner and possessor of the house bearing No.8-3-168, Erragadda, ESI Hospital, admeasuring 910 Sq.yards, having purchased the same

under a registered sale deed dated 5-1-1973. It is further stated that when the petitioner approached the second respondent and submitted the building application along with the required documents and plans etc., seeking permission to construct a house, the second respondent refused to receive the said application on the ground that the application is not accompanied by the No Objection Certificate (NOC) from the Collector. It is stated that the action of the second respondent is illegal, arbitrary and contrary to the Judgment in W.P.No.12831 of 2005, dated 17-6-2005 decided in the case of **Smt.Yogetha Gupta and others Vs. The Assistant City Planner, Municipal Corporation of Hyderabad, Circle No.5, Khairatabad, Hyderabad.** This Court after examining the Bye-Law No.4.2(v) of the Municipal Corporation Building Bye-Laws 1981 relating to the applications to the building permits, held that as per the said building bye-law No.4.2 of Bye-law 1981, the requirement of insisting No Objection Certificate either from the Mandal Revenue Officer or the Joint Collector is not necessary and accordingly, the action of the Municipal Corporation insisting to submit the No Objection Certificate was set aside.

Following the said Judgment, the writ petition is disposed of, directing the respondents to receive the application of the petitioner for construction of the building without insisting the No Objection Certificate from the Joint Collector and consider the said application in accordance with the bye-laws and pass appropriate orders in accordance with law.

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V.ESWARAIAH, J

Date:2-3-2006.

Note:-

Issue C.C. in one week.

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Shr.